IN THE
SUPREME COURT OF THE UNITED STATES
1981/1982 TERM

No. 81-6947

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SUPREME COURT, U.S.

THE PEOPLE OF THE STATE OF COLORADO,

Plaintiff-Appellee,

v.

RICHARD VELASQUEZ,

Defendant-Appellant.

MOTION TO DISMISS

J. D. MacFARLANE
Attorney General

CHARLES B. HOWE
Deputy Attorney General

JOEL W. CANTRICK
Solicitor General

DAVID K. REES
Assistant Attorney General
Office of the Attorney General

Attorneys for
Plaintiff-Appellee

1525 Sherman Street, 3d Floor
Denver, Colorado 80203
Telephone: 866-3611

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1. In his briefs in the Colorado appellate courts, the defendant-appellant did not expressly claim that any state statutes were repugnant to the constitution or laws of the United States.

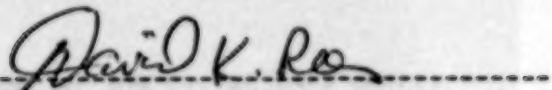
2. Because he did not challenge the constitutionality of any state statutes, the defendant's remedy, if any, is not an appeal to this court, but certiorari. 28 U.S.C. 1257.

3. The Colorado Supreme Court denied the petition for rehearing in this case on March 15, 1982. The defendant's " Notice of Appeal" here was not filed until June 7, 1982, a date beyond the 60 day period allowed for filing a petition for certiorari to this court. Sup. Ct. R. 20.1.

4. Assuming, arguendo, the defendant's application for relief is timely, none of the issues raised here presents a substantial federal question. See People v. Velasquez, ___ Colo. ___, 641 P.2d 943 (1982).

5. Because the defendant's application for relief is untimely and/or fails to present a substantial federal question, it should be dismissed. Sup. Ct. R. 16.1(a); 16.1(b).

FOR THE ATTORNEY GENERAL



DAVID K. REES, 1010
Assistant Attorney General
Office of the Attorney General

Attorneys for Plaintiff-Appellee

1525 Sherman Street, 3d Floor
Denver, Colorado 80203
Telephone: 866-3611
AG Alpha No. IA GG ADRA
AG File No. CAG8201691/JD

CERTIFICATE OF MAILING

I, David K. Rees, a member of the bar of this court, herewith certify that the within MOTION TO DISMISS has been deposited in the United States mail, first-class postage prepaid, addressed to Alexander L. Stevas, Clerk of the Court, Supreme Court of the United States, Washington, D.C., 20593 and that to my knowledge the mailing took place on July 2, 1982 within the permitted time for filing the motion.

David K Rees

STATE Colorado)
) ss.
COUNTY OF Denver)

Subscribed and sworn to before me this 2d day of July, 1982.

Mary Ellen Kuster
NOTARY PUBLIC
1525 Sherman St., 3rd Fl
ADDRESS
Denver, Colo. 80203
ADDRESS

My Commission expires:
12/5/82

AG File No. AAG8201691/C